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Docket No.: 13498-009002 / MET-7/Continuation

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Randall B. Lauffer et al. Art Unit : Not yet assigned
Serial No. : 09/887,706 Examiner : Not yet assigned
Filed : September 8, 2000
Title : CONTRAST-ENHANCED DIAGNOSTIC IMAGING METHOD FOR
MONITORING INTERVENTIONAL THERAPIES

Office of Petitions
Commissioner of Patents
Washington D.C. 20231

PETITION UNDER 37 C.F.R. §§1.17(h), 1.53(e), and 1.181 TO ACCORD A FILING DATE

Pursuant to 37 CFR §§1.17(h), 1.53(e) and in response to the Notice of Incomplete Provisional Application mailed 3/29/2002, Applicants hereby timely petition to accord the above-referenced application a filing date of 9/8/2000 under §1.53(e). The application was not granted a filing date for failure to deposit drawings. Applicants, however, submit that the drawings "are not necessary for the understanding of the subject matter as sought to be patented" under 35 U.S.C. §113, and therefore that the application is entitled to its filing date of 9/08/2000.

Applicants assert that the drawings are not necessary for an understanding of the subject matter for the following reasons. The application makes reference to 3 drawings, entitled Figures 1-3. Applicants point out that these drawings are merely graphical representations of the data presented in tabular form in Tables 1-3. Tables 1-3 were included in the specification as filed. Therefore, the graphical representation of the data in Figures 1-3 is duplicative of the information provided in Tables 1-3.

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

May 28, 2002

Date of Deposit

Signature

Caryl C. Harriman

Typed or Printed Name of Person Signing Certificate

Attached to this petition are true copies of omitted Figures 1-3,¹ the Brief Description of Figures 1-3 from the specification, and the specification pages which incorporate Tables 1-3 ("Experimental" section). Applicants first point to the Brief Description of Figures 1-3, which notes for each figure that it is a "graphical representation." Secondly, Applicants point to the specification pages incorporating Tables 1-3 ("Experimental" section). For Examples 1-3, Applicants refer to each table and figure as representing the same information. For example, on page 58, Applicants note "[s]ee Table 1 below and Figure 1." In addition, Applicants note on page 59 "[a]s Table 1 and Figure 1 show" The corresponding language similarly appears on pages 60 and 61 for Table 2 and Figure 2, and on pages 62 and 63 for Table 3 and Figure 3. Finally, a visual comparison of the Figures with the Tables indicates the correspondence between the two sets of data.

Based on the foregoing evidence, Applicants assert that the drawings are not necessary for an understanding of the subject matter under 35 U.S.C. §113 (first sentence). Accordingly, Applicants respectfully request that the application be accorded a filing date of 9/8/2000. Applicants note that a preliminary amendment of the specification to cancel all references to omitted drawings is presently being prepared.

Please charge Deposit Account No. 06-1050 to cover the \$130 fee for this petition. Because Applicants assert however that the application is entitled its filing date, this fee should be refunded. Please apply any other charges or credits to Deposit Account No. 06-1050. Copies of the Notice of Incomplete Nonprovisional Application and of this petition are enclosed.

¹ Figures 1-3 attached are copies of Figures 1-3 included in the parent application 08/942,989 as well as copies of the same taken from the corresponding PCT application WO 99/17809, which claims priority from the parent application.

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Respectfully submitted,

Date: 5/28/02

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